

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 2:05-20079

MIGUEL ANGEL FACUNDO-GUZMAN

DEFENDANT

O R D E R

On December 22, 2005, Defendant filed a motion for psychiatric examination asserting, "the Defendant has had a history of aberrant behavior and for that reason, counsel for the Defendant believes that he may be incompetent to aid and assist Counsel, as well as having been incompetent at the time of the commission of the alleged offense." Defense Counsel states that the Government does not oppose the motion. (Doc. 27.)

Pursuant to 18 U.S.C. § 4247(b), the motion is hereby GRANTED and the Defendant, Miguel Angel Facundo-Guzman, is hereby committed to the custody of the Attorney General or his authorized representative for placement in a suitable federal correctional facility for a period not to exceed thirty days for a psychiatric examination under 18 U.S.C. § 4241 to determine whether the Defendant is able to understand the nature and consequences of the proceedings against him or to assist properly in his defense. While the Defendant is in said correctional facility, Defendant shall also be examined, pursuant to 18 U.S.C. § 4242, to determine whether he was insane at the time of the offenses charged, for a period not to exceed an additional forty-five days.

Pursuant to 18 U.S.C. § 4247(c), the facility conducting the examinations shall file a copy of the report with this Court, with copies to counsel for the Defendant and the Government. Should Defendant desire a hearing on the issue of his competency to stand trial, he will have ten days from the filing of the report within which to demand one.

The jury trial scheduled for January 9, 2006, is hereby CANCELED and will be reset at a later date. The delay in the trial of this action occasioned by the examination is excludable under the provisions of 18 U.S.C. § 3161(h)(1)(A).

IT IS SO ORDERED this 22nd day of December 2005.

/s/ Robert T. Dawson
Robert T. Dawson
United States District Judge